

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, EX
REL. MICHAEL N. SWETNAM, JR.,

Plaintiff,

V.

VALLEY BAPTIST HEALTH
SYSTEM and VALLEY BAPTIST
MEDICAL CENTER

Defendants.

CIVIL ACTION NO. 1:08-CV-446

**MOTION FOR LEAVE TO FILE DEFENDANTS' SUR REPLY TO RELATOR'S
REPLY AND SUPPLEMENT TO THEIR MOTION FOR PROTECTION AND
MEMORANDUM IN RESPONSE TO PLAINTIFF'S MOTION TO COMPEL
DEFENDANTS TO PRODUCE DOCUMENTS AND DEPOSITION WITNESSES**

Defendants, Valley Baptist Health System and Valley Baptist Medical Center, (collectively, “Defendants”) file this *Motion for Leave to file Defendants’ Sur Reply to Relator’s Reply and Supplement to their Motion for Protection and Memorandum in Response to Relator’s Motion to Compel Defendants to Produce Documents and Deposition Witnesses*, and in support would show as follows:

1. On September 19, 2014, Relator filed his Motion for Leave to File Plaintiff's Reply to Defendants' Motion for Protection and Memorandum in Response to Plaintiff's Motion to Compel Defendants to Produce Documents and Deposition Witnesses ("Motion for Leave") [Doc #113].
2. Relator moved for leave on the basis that his Reply assists the Court by narrowing the scope of items that require the Court's attention.
3. On September 22, 2014, the Court granted Relator's Motion for Leave [Doc #114].

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DEFENDANTS' SUR REPLY AND SUPPLEMENT TO MOTION FOR PROTECTION**

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4. On a similar basis as Relator's motion, namely that Defendants' Sur Reply will assist the Court by narrowing the scope of items that require the Court's attention, and because no party will be prejudiced by the filing of the Sur Reply, Defendants respectfully request that this Motion for Leave be granted. *See* Defendants' Sur Reply attached hereto as Exhibit "1."

5. Defendants' counsel conferred with counsel for Relator regarding his willingness to agree to this Motion for Leave, and those attempts to confer are continuing to this day, but Relator's counsel has yet to confirm his position on this Motion. Consequently, this Motion for Leave should be considered OPPOSED.

6. For the reasons set forth above, Defendants, Valley Baptist Health System and Valley Baptist Medical Center, respectfully request the Court grant Defendants' Motion for Leave to file Defendants' Sur Reply to Relator's Reply and Supplement to their Motion for Protection and Memorandum in Response to Relator's Motion to Compel Defendants to Produce Documents and Deposition Witnesses. Defendants also request such other and further relief as to which they may be entitled.

[signature on following page]

Respectfully submitted,

BOYARMILLER

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via ECF on this the 10th day of October, 2014 to:

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